



Maryland Commission on LGBTQIA+ Affairs

TESTIMONY OF AMIT (MICKEY) DHIR
COMMISSIONER, MARYLAND COMMISSION ON LGBTQIA+ AFFAIRS
FAVORABLE STATEMENT ON SENATE BILL 1165
PUBLIC HEALTH - PROHIBITION ON TRANSFER OF HUMAN IMMUNODEFICIENCY VIRUS - REPEL

March 26, 2024

Senate Judicial Proceedings Committee

The Hon. William C. Smith, Chair
The Hon. J. Jeff Waldstreicher, Vice Chair

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee, my name is Mickey Dhir (he/him), and I am the Chair of the Health and Wellness committee of the Maryland Commission on LGBTQIA+ Affairs and an HIV certified medical provider. Today, I am honored to testify to express the strong support of Senate Bill 1165 on behalf of the Maryland Commission on LGBTQIA+ Affairs.

As a Commission, we believe that reforming existing laws related to HIV is a crucial step towards fostering a more just and compassionate society. Ending the HIV Epidemic in the U.S. requires addressing structural barriers to HIV prevention and care.

After more than 40 years of HIV research and significant biomedical advancements to treat and prevent HIV, most HIV criminalization laws do not reflect current scientific and medical evidence.

- Many of these laws were passed at a time when very little was known about HIV, including how HIV was transmitted and should be treated.
- These laws have not increased disclosure and may discourage HIV testing, increase stigma against people with HIV, and exacerbate disparities.

HIV criminalization laws were enacted before the availability of antiretroviral therapy (ART):

- **Scientific Dissonance:** A critical gap exists between current scientific understanding of HIV and these outdated laws. Decades of research have yielded significant advancements.

<https://www.nih.gov/news-events/news-releases/hiv-aids-research-yields-dividends-across-medical-fields>):

- **Antiretroviral Therapy (ART):** With effective ART regimens, individuals with HIV can achieve viral suppression, rendering them virtually untransmittable (VT) through sex.
<https://www.poz.com/basics/hiv-basics/undetectable-equals-untransmittable>). These laws, however, perpetuate the misconception that HIV transmission is inevitable.
- **Improved Prevention:** Advances like Pre-Exposure Prophylaxis (PrEP) offer powerful prevention tools not considered when these laws were enacted
<https://www.cdc.gov/hiv/basics/prep.html>).

HIV criminalization laws have long been a source of stigma and discrimination, disproportionately affecting individuals living with HIV and people who have been marginalized and made vulnerable. These laws not only perpetuate misinformation and fear but also hinder our collective efforts to address the HIV epidemic effectively.

In essence supporting the passage of this important bill will:

1. Promote Public Health:

- Decriminalizing HIV helps destigmatize the virus, encouraging individuals to seek testing and treatment without fear of legal repercussions.
- It allows for a more open and honest dialogue about HIV, contributing to increased awareness, prevention, and overall public health outcomes.

2. Address Stigma and Discrimination:

- Criminalization perpetuates stigma, discrimination, and misinformation about HIV, leading to negative social attitudes and biases against those living with the virus.
- Decriminalization sends a powerful message of inclusivity, acknowledging that individuals with HIV should not face legal penalties simply for their health status.

3. Protect Human Rights:

- Current laws often infringe upon the basic human rights of individuals living with HIV, including privacy, autonomy, and the right to live free from discrimination.
- Senate Bill 1165 is an opportunity to align our legal framework with principles of justice, equality, and the protection of fundamental human rights.

4. Foster Supportive Healthcare Environments:

- Decriminalization can contribute to creating a more supportive healthcare environment where individuals feel comfortable disclosing their HIV status to healthcare providers without fear of legal consequences.
- This, in turn, enables better-informed healthcare decisions and improved overall health outcomes.

5. Adapt to Scientific Advances:

- Advances in medical science have transformed our understanding of HIV transmission, treatment, and prevention.
- Senate Bill 1165 reflects a commitment to adapting our legal system to reflect these advances, promoting evidence-based policies that prioritize public health.

6. Eliminate Disparities:

- These laws disproportionately impact marginalized communities, hindering access to testing, treatment, and prevention resources.
- Senate Bill 1165 is a move towards addressing health disparities and ensuring equitable access to HIV testing, treatment, and prevention resources for all communities, particularly marginalized populations.

When a law meant to protect the public is not working as intended, is unjust, and may be hurting efforts to keep communities healthy, it should be repealed. For those reasons, the Maryland Commission on LGBTQIA+ Affairs urges a favorable report on Senate Bill 1165.

Thank you for your time and consideration.